

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Comcast of Massachusetts II, Inc.)	Case No.: 04-30069 MAP
)	
Plaintiff,)	MOTION TO EXTEND TIME FOR
)	SERVICE PURSUANT TO F.R.C.P. 4 (m)
vs.)	
)	
Thomas Dragon)	
)	
Defendant)	

Now comes the Plaintiff in the above-entitled action, and, moves this court for an order extending the time to make service upon the defendant pursuant to Federal Rule Civil Procedure 4 (m) by an additional 60 days. The Plaintiff asserts that there is good cause for the failure to make service or to certify the service has been made to date in that:

1. This complaint was filed on or about April 5, 2004.
2. Summons was issued dated April 5, 2004.
3. Documents for service were sent to a sheriff on or about to April 8, 2004;
4. The sheriff returned all service documents on or about April 15, 2004, as the Defendant could not be found in that county;
5. Plaintiff's counsel employed the services of a private investigator and located the Defendant at another address on or about July 19, 2004.
6. Plaintiff's counsel sent service documents out to be served upon the Defendant at the new address on July 20, 2004.
7. On July 27, 2004 Plaintiff's counsel contacted the sheriff to verify status of service documents and was notified that the sheriff is still in the process of locating the Defendant to be served.

8. The Plaintiff needs additional time for the sheriff's office to effectuate service.

In further support of this motion the Plaintiff:

9. Offers the affidavit of Attorney John M. McLaughlin; and

10. States that the affidavit contains factual assertions giving rise to good cause to extend the subject time by 60 days.

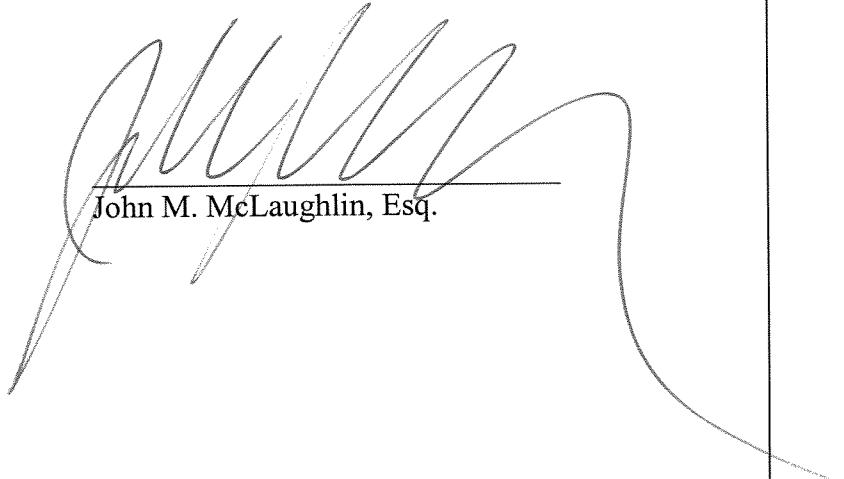
7/27/04
Date


John M. McLaughlin (BBO.: 556328)
MCLAUGHLIN SACKS, LLC
31 Trumbull Road
Northampton, MA 01060
(413) 586-0865

CERTIFICATE OF SERVICE

I, John M. McLaughlin, attorney for the Plaintiff, hereby certify that on the 27 day of July, 2004, a copy of the foregoing Motion To Extend Time For Service Pursuant To F.R.C.P. 4 (m) and Affidavit Of John M. McLaughlin In Support Of The Motion To Extend Time For Service Pursuant To F.R.C.P. 4 (m) was mailed first class to:

Thomas Dragon
250 Colemore Street
Feeding Hills, MA 01030


John M. McLaughlin, Esq.